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REMARKS

After entry of this Amendment, claims 1, 3-13, 15-17, 37, 39-40, 46-50, and 52-59 are pending in the application. Claims 3-12, 37, 39-40, 46 and 48 are withdrawn from consideration. Claims 1, 13, 16-17, 47, 49-50, and 53-59 have been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention. Reconsideration of the Examiner's rejection is requested.

In the Office Action dated January 18, 2006, claims 1, 13, 16, 47, 55, and 57-59 stand objected to under 35 U.S.C. §132. It is submitted that the claims have been carefully reviewed and amended to eliminate the recitation of "sole" rolling engagement with the first die and "solely" maintaining the first die in position. Reconsideration of the Examiner's objection is requested.

With respect to claims 47, and 54-57, the Examiner asserts that the original specification does disclose a first embodiment that holds a low speed die set, and a second embodiment holds a high speed die set, however there is no disclosure of a single rotary die apparatus that has both the high speed die set and a low speed die set. As noted by the Examiner, the applicants disclosure in the last sentence of paragraph [0009] states that the parts can be swapped. The Examiner's attention is also directed to paragraph [0051] where the original specification indicates that

"... the first 38 and second 66 die supports are modular in design, combinations of bearing box 160 and bearings 39, 40, 67 and 68 including rollers 44 may be used to best meet the particular dies in use, the material to be processed, and the speed of the material feed to optimize the usage of the rotary die module. As described and illustrated, frame 12 can be used with the different module die supports to meet the requirements of the application." (Emphasis added)

Therefore, it is submitted that the original specification supports the claim that the frame 12 can be used with different module die supports, as illustrated in Fig. 1 and Fig. 7, to meet the requirements of the application. As recited in the claims, the frame can be used to support a die support kit in a first configuration for low speed

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operation (Figure 1), or a second configuration for high speed operation (Figure 7).
Reconsideration of the Examiner's objection is requested.

Claims 1, 13, 15-17, 47, 49-50, and 52-59 stand rejected under 35 U.S.C. §112 first paragraph as failing to comply with the written description requirement. It is submitted that the original specification provides support for the frame 12 being used for either a first configuration for low speed operation as illustrated in Figure 1, or a second configuration for high speed operation as illustrated in Figure 7 as set forth in the original specification, see in particular paragraph [0051]. Reconsideration of the Examiner's rejection is requested.

Claims 1, 13, 15-17, 47, 49-50, 52-59 stand objected to in that the preamble recites "for use" with a first rotary die while the body of the claim recites the first rotary die in a way that it must be given positive weight. It is submitted that the preamble of the independent claims have been amended to recite a rotary die apparatus "having" a first rotary die as suggested by the Examiner. In addition, claim 47, line 5 has been amended to delete "rod" and insert "column". Reconsideration of the Examiner's objection is requested.

Claims 1, 13, 15, 47, 55, and 57-59 stand rejected under 35 U.S.C. §112, second paragraph as being unclear what weight should be given to the term "sole". It is submitted that the claims have been carefully reviewed and amended to eliminate the recitation of "sole" or "solely" in the claims. It is submitted that these amendments overcome the Examiner's rejection under 35 U.S.C. §112, second paragraph. Reconsideration of the Examiner's rejection is requested.

Claims 1, 13, 47, 55, and 58-59 stand rejected under 35 U.S.C. §112, second paragraph since it is not clear what weight to give the term "independent" in the phrase "independent of the columns". It is submitted that these claims have been carefully reviewed and amended to eliminate the phrase "independent of the columns". Reconsideration of the Examiner's rejection is requested.

Claims 47 and 54-57 stand rejected as being unclear as to which of two ways the claims could be interpreted. It is submitted that the claims have been carefully reviewed and amended to clarify that the present invention can employ die

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supports of different configurations for low speed operation and for high speed operation. The present invention is recited in the claims as a combination of a common frame with a die support kit operably engagable with the frame, where the die support kit includes interchangeable die supports for at least one of a first configuration for low speed mode of operation or a second configuration for high speed mode of operation. A low speed die support kit can be substituted for a high speed die support kit, or visa versa, if desired for the particular application without having to modify the common frame. Reconsideration of the Examiner's rejection is requested.

The claims stand rejected under 35 U.S.C. §102(b) as being anticipated by Gautier '078, or under 35 U.S.C. §103(a) as being obvious over Gautier '078. It is submitted that the Gautier reference does not anticipate, teach or suggest the invention as recited in the amended claims. In particular, the Gautier '078 does not anticipate, teach or suggest a frame having a first configuration for a low speed mode of operation below 600 linear feet per minute and a second configuration for a high speed mode of operation above 600 linear feet per minute in combination with a die support kit operably engagable with the frame, where the die support kit includes interchangeable die supports for at least one of the first configuration for low speed mode of operation and the second configuration for high speed mode of operation, where the first and second modular die supports are spaced from the columns as recited in claim 1. The Gautier '078 references teaches a single mode of operation with the bearings 3,4 supported by (not spaced from) the columns of frame 7 (column 3, lines 19-20), and does not suggest a second configuration for a different mode of operation.

The Gautier '078 reference does not anticipate, teach, or suggest the improvement of a frame having a first configuration for a low speed mode of operation below 600 linear feet per minute and a second configuration for a high speed mode of operation above 600 linear feet per minute in combination with a die support kit operably engagable with the frame, where the die support kit includes interchangeable die supports for at least one of the first configuration for low speed

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mode of operation and the second configuration for high speed mode of operation, and the die support kit for the first configuration for low speed mode of operation including the rollers in operable engagement with a raised radial flange on each of the first and second ends of the first rotary die to limit linear translation of the first rotary die along the first axis of rotation as recited in claim 13. The Gautier '078 reference teaches that bearing 4 primarily will be resisting horizontal forces perpendicular to the plane of the axes 1A and 2A (column 3, lines 34-38), and does not suggest the use of a raised radial flange on the first rotary die to eliminate the need for the bearing 4.

The Gautier '078 reference does not anticipate, teach, or suggest a frame having a first configuration for a low speed mode of operation below 600 linear feet per minute and a second configuration for a high speed mode of operation above 600 linear feet per minute in combination with a die support kit operably engagable with the frame, where the die support kit includes interchangeable die supports for at least one of the first configuration for low speed mode of operation and the second configuration for high speed mode of operation, where in each mode of operation the first modular die support is mounted to the base spaced from the columns and the second modular die support is mounted to the cross member spaced from the columns as recited in claim 47. The Gautier '078 reference teaches a single mode of operation with the bearings 3,4 supported by (not spaced from) the columns of frame 7 (column 3, lines 19-20), and does not suggest a second configuration for a different mode of operation.

The Gautier '078 reference does not anticipate, teach, or suggest a first modular die support interchangeable between a first configuration for a low speed mode of operation below 600 linear feet per minute and a second configuration for a high speed mode of operation above 600 linear feet per minute and a second modular die support interchangeable between a first configuration for low speed mode of operation and the second configuration for high speed mode of operation, where the second configuration for high speed mode of operation includes an elongate journal extending from each end of the first and second rotary dies and the first and second modular die supports each comprising a pair of cylindrical roller bearings spaced

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from the columns as recited in claim 54. The Gautier '078 reference teaches a single mode of operation with the bearings 3,4 supported by (not spaced from) the columns of frame 7 (column 3, lines 19-20), and does not suggest a second configuration for a different mode of operation.

The Gautier '078 reference does not anticipate, teach, or suggest a first and second modular die supports each interchangeable between a first configuration for a low speed mode of operation below 600 linear feet per minute and a second configuration for a high speed mode of operation above 600 linear feet per minute, the first and second modular die supports spaced in relation to the columns, where in the first configuration at least one roller operably engages with a raised flange on one of the rotary dies, and in second configuration cylindrical roller bearings operably engage with journals extending from opposite ends of each of the rotary die as recited in claim 55. The Gautier '078 reference teaches a single mode of operation with the bearings 3,4 supported by (not spaced from) the columns of frame 7 (column 3, lines 19-20), and does not suggest a second configuration for a different mode of operation. The Gautier '078 reference teaches that bearing 4 primarily will be resisting horizontal forces perpendicular to the plane of the axes 1A and 2A (column 3, lines 34-38), and does not suggest the use of a raised radial flange on the either rotary die to eliminate the need for the bearing 4.

The Gautier '078 reference does not anticipate, teach, or suggest a first and second modular die supports each interchangeable between a first configuration for a low speed mode of operation below 600 linear feet per minute and a second configuration for a high speed mode of operation above 600 linear feet per minute, where in the first configuration at least one roller operably engages with a raised flange on one of the first and second rotary dies, and in second configuration cylindrical roller bearings operably engage with journals extending from opposite ends of each of the rotary die and are spaced relative to the columns as recited in claim 57. The Gautier '078 reference teaches a single mode of operation with the bearings 3,4 supported by (not spaced from) the columns of frame 7 (column 3, lines 19-20), and does not suggest a second configuration for a different mode of

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operation. The Gautier '078 reference teaches that bearing 4 primarily will be resisting horizontal forces perpendicular to the plane of the axes 1A and 2A (column 3, lines 34-38), and does not suggest the use of a raised radial flange on the either rotary die to eliminate the need for the bearing 4.

The Gautier '078 reference does not anticipate, teach, or suggest a frame having a first configuration for a low speed mode of operation below 600 linear feet per minute and a second configuration for a high speed mode of operation above 600 linear feet per minute, in combination with a die support kit including interchangeable die supports for at least one of the first configuration for low speed mode of operation and the second configuration for high speed mode of operation, where the die support kit for the first configuration for low speed mode of operation includes a first modular die support consisting of a first bearing member and a second bearing member, each bearing member including at least two rollers maintaining the first rotary die in a stationary rotary position through operable engagement of the rollers with raised radial flanges located on opposite longitudinal ends of the first rotary die, and a second modular die support consisting of a first bearing member and a second bearing member, each bearing member including at least two rollers maintaining the second rotary die in a stationary rotary position through operable engagement of the raised radial flanges located on opposite longitudinal ends of the first rotary die with the longitudinal ends of the second rotary die, as recited in claim 58. The Gautier '078 reference teaches a single mode of operation with rollers 13,16 and bearings 3,4 supported by (not spaced from) the columns of frame 7 (column 3, lines 19-20), and does not suggest a second configuration for a different mode of operation. The Gautier '078 reference teaches that bearing 4 primarily will be resisting horizontal forces perpendicular to the plane of the axes 1A and 2A (column 3, lines 34-38), and does not suggest the use of a raised radial flange on the either rotary die to eliminate the need for the bearing 4.

The Gautier '078 reference does not anticipate, teach, or suggest a frame having a first configuration for a low speed mode of operation below 600 linear feet per minute and a second configuration for a high speed mode of operation

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above 600 linear feet per minute, in combination with a die support kit including interchangeable die supports for at least one of the first configuration for low speed mode of operation and the second configuration for high speed mode of operation, where the die support kit for the second configuration for high speed mode of operation includes a first modular die support consisting of a first bearing member and a second bearing member, each bearing member including first and second cylindrical roller bearings in spaced relation to the columns and in rolling engagement with journals extending from each end of the first rotary die, and a second modular die support consisting of a first bearing member and a second bearing member, each bearing member including first and second cylindrical roller bearings in spaced relation to the columns and in rolling engagement with journals extending from end of the second rotary die, as recited in claim 59. The Gautier '078 reference teaches a single mode of operation with rollers 13, 16 and bearings 3,4 supported by (not spaced from) the columns of frame 7 (column 3, lines 19-20), and does not suggest a second configuration for a different mode of operation.

This after final amendment: (1) does not raise new issues that would require further consideration and/or search, since the proposed amendments incorporate previously recited limitations from dependent claims into the independent claims and these limitations have been previously considered and searched by the Examiner; (2) does not raise the issue of new matter, since the proposed amendments have support in the originally filed application including the specification, claims and drawings; (3) does places the application in better form for appeal by materially reducing and/or simplifying the issues for appeal; and/or (4) does not present additional claims without cancelling a corresponding number of finally rejected claims. The after final amendment was necessitated due to the Examiner's reliance on the newly cited reference of Gautier '078. This amendment could not have been earlier presented, since the Examiner had not relied on the Gautier '078 reference previously, so this is Applicant's attorney's first opportunity to address the Examiner's rejection based on this reference.

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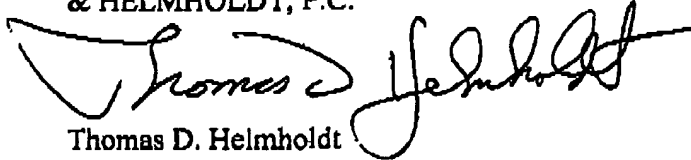
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It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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